

# LOCAL RULE COVERSHEET

*This coversheet must be attached or included with all local rule submissions to the Division of State Court Administration.*

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County: WASHINGTON

Courts Included: WASHINGTON SUPERIOR & CIRCUIT

Contact Name/Phone Number:

FRANK NEWKIRK, JR. - 812-883-4949

LARRY MEDLOCK - 812-883-5302

Are the attached rules:

☐ Previously enacted with no changes and submitted solely for posting to the Internet;

☐ Newly revised or redrafted and submitted for posting to the Internet and comment;

☒ A mixture of prior rules and new revisions.

Do any of the rules contained in this packet:

☒ Make changes to local rules pursuant to Crim.R. 2.2

☒ Make changes to local rules pursuant to Trial.R. 79

☒ Make changes to local rules with respect to caseload allocation and Weighted Caseload

☐ Make changes to local rules for court reporters pursuant to Admin.R. 15

Submitted on \_\_\_\_\_

# **LOCAL RULES OF THE WASHINGTON CIRCUIT AND SUPERIOR COURTS**

## **LR88-CR2.2-1 – CRIMINAL CASE ASSIGNMENT**

All criminal cases containing any of the following counts shall be assigned to the Washington Superior Court

- A. Alcohol Offense
- B. Burglary
- C. Check Deception
- D. Controlled Substance Offense
- E. Conversion
- F. Forgery
- G. Fraud
- H. Non-support of a Dependent
- I. Receiving Stolen Property
- J. Residential Entry
- K. Resisting Law Enforcement
- L. Robbery
- M. Theft
- N. Vehicular Offenses

All other criminal cases **and all infractions** shall be assigned to the Washington Circuit Court.

## **LR88-CR2.2-2 – TRANSFER OF CRIMINAL CASES**

The judge of the Washington Circuit or Superior Court may

- A. Direct in writing that a new case may be filed in the other Court, or
- B. By appropriate order entered in the Record of Judgment and Orders, transfer and reassign any pending case to the other Court.

Such transfer or filing is subject to acceptance by the receiving Court.

## **LR88-CR2.2-3 – REFILING AND SUBSEQUENT FILINGS OF CRIMINAL CASES**

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.

## **LR88-CR2.2-4 – REASSIGNMENT OF CRIMINAL CASES**

Except as set out in LR88-CR2.2-5, ~~When~~ when a motion for change of judge has been granted in a criminal case, a special judge shall be selected as set out in LR88-TR79-6 the Clerk shall assign a new judge randomly from the following list of Courts:

- ~~1. Lawrence Circuit Court~~
- ~~2. Lawrence Superior Court 1~~
- ~~3. Lawrence Superior Court 2~~
- ~~4. Scott Circuit Court~~
- ~~5. Scott Superior Court~~
- ~~6. Washington Superior Court~~
- ~~7. Washington Circuit Court~~

- (1) Crawford Circuit
- (2) Harrison Circuit
- (3) Harrison Superior
- (4) Orange Circuit
- (5) Orange Superior
- (6) Washington Circuit
- (7) Washington Superior
- (8) Senior Judges approved for the requesting Court

By order of adoption of these rules, the Indiana Supreme Court temporarily transfers sitting judges of the above listed Courts to the Washington Circuit and Superior Courts for the purpose of reassignment of felony and misdemeanor cases.

## **LR88-CR2.2-5 APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES BY INDIANA SUPREME COURT**

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceedings require appointment by the Indiana Supreme Court of a special judge, ~~this~~ presiding judge may request ask the Indiana Supreme Court for such an to make that appointment.

## LR88-TR79-6 APPOINTMENT OF SPECIAL JUDGES

- A. Selection of Assignment Administrative Judge. On or before ~~October 1<sup>st</sup>~~ **November 1<sup>st</sup>** of each year, (or as soon thereafter as possible) the Judges of the Circuit and Superior Courts of Washington County shall meet **in person or electronically** with the presiding judges of Administrative District ~~24~~ **44** for the purpose of selecting a judge **who is** designated as the ~~assignment judge~~ **Administrative Judge.** ~~The Administrative Judge who shall serve the Administrative District for a period of twelve (12) months, ending December 31, or until a replacement is selected after December 31.~~
- B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure **or Indiana Rules of Criminal Procedure**, the judge before the case is pending shall send notice of the need of the appointment of a special judge to the ~~Administrative District's assignment~~ **administrative** judge who shall then make such assignment within five (5) days of receiving said notice.
- C. Method of Assignment. The ~~Administrative District's assignment~~ **administrative** judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall **take into account the number of appointments required for each Court and the fact that current rules require that Special Judges in Criminal Cases serve in a contiguous county.** ~~be a sequential order beginning with the name of the judge following the last judge so assigned. If, however, because of travel considerations a judge has been passed over or if a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case.~~ The **administrative** assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis

~~Travel Considerations. In making the selection of a special judge, the assignment judge shall consider that travel of more than forty (40) miles in one direction is not effective use of judicial resources.~~

- D. Special Considerations. **If the Administrative Judge determines that newly selected Judges would benefit from a policy of "exchanging" cases to avoid excessive travel to multiple courts, assignments may be based upon these special temporary circumstances.**
- E. Roster of Available Judges. The roster of available judges in Administrative District ~~24~~ **44** ~~shall be maintained by Court designation in the following sequential order and~~ shall include senior judges as **available as set out below:**

~~(1) Clark Circuit~~  
~~(2) Clark Superior #1~~  
~~(3) Clark Superior #2~~  
~~(4) Clark Superior #3~~  
~~(15) Crawford Circuit~~

~~(310) Harrison Superior~~  
~~(411) Orange Circuit~~  
~~(512) Orange Superior~~  
~~(13) Scott Circuit~~  
~~(14) Scott Superior~~

~~(6) Floyd Circuit~~  
~~(7) Floyd Superior~~  
~~(8) Floyd County~~  
(29) Harrison Circuit

(615) Washington Circuit  
(716) Washington Superior  
(817) Senior Judges  
approved for the requesting Court

Appointment Order. Upon selecting a special judge, the ~~assignment~~ administrative judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

When one of the sitting Judges of District 24 accepts appointment as Special Judge through a different selection method, such as Supreme Court Appointment, stipulation by parties, or by striking, that Judge may ask the Appointing Judge to add these appointments to the record of assignments and consider such service in making additional appointments.

G. Form of Order. The Order of Appointment shall be in the following form:

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure ~~or the Indiana Rules of Criminal Procedure~~, the Honorable \_\_\_\_\_ of the \_\_\_\_\_ Court of \_\_\_\_\_ County is hereby appointed to serve as special Judge in the above-captioned case.

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, \_\_\_\_\_ Court

Assigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Administrative District #14-24  
~~Assignment~~ Administrative Judge

- H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.
- I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge.
- If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstance this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.

## **LR88-AR15-7 – IMPLEMENTATION OF ADMINISTRATIVE RULE 15**

The Courts of Washington County, Indiana adopt the following rules for Court Reporters services pursuant to Administrative Rule 15.

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.
2. Regular working hours shall be 35 hours per week. Gap hours shall be worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.
3. That for any gap or overtime hours worked, the Court and Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
  - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
  - b. Compensatory time off from regular work hours shall be give in the amount of one and one-half (1½) times the number of overtime hours worked.

4. The Court Reporter shall be compensated at the rate \$5.00 per page for any county indigent, state indigent or private transcripts prepared. The Court Reporter shall submit directly to the County a claim for the preparation of the county indigent transcript as other county claims are submitted. If the Court Reporter is required to prepare an expedited transcript, the maximum per page fee shall be \$8.00 where the transcript must be prepared within 24 hours or less and \$6.50 where the transcript must be prepared within 3 working days. Index and Table of Contents will be charged at the same rate as the other pages.
5. A minimum fee of FIFTY Dollars (\$50) will be charged for transcripts less than ten (10) pages in length.
6. Additional fees shall be added to the cost of the transcript for the following:
  - a. Reasonable cost of office supplies necessary for preparation and binding of the transcript, which shall be determined by the judges and published annually as the "Schedule of Transcript Supplies."
  - b. Labor charge in the sum of the approximate hourly rate of the Court Reporter's annual court compensation for time spent binding the transcript and the exhibit binders.
7. If a transcript is prepared for purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two (2) copies of an electronically formatted transcript, one of which shall become an official record of the Court proceedings and kept in the Court where said proceeding was held, and the other shall be submitted to the Clerk along with the original paper transcript.
8. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.
9. Each Court Reporter who received income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by such Division.
10. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside of regular working hours and the Court's equipment, work space and supplies shall not be used for such purposes.
11. This local rule shall be applicable in all proceedings effective immediately upon approval of the Indiana Supreme Court.
12. The Clerk of the Washington Circuit Court is ordered to post this amended rule in their office, and on their website, if any exists, for a period of 30 days.

## **LR88-JR04-8 – JUROR SUMMONING**

Pursuant to Indiana Jury Rule 4, the courts adopt the Single Tier Notice and Summons Procedure for summoning jurors. Accordingly, the jury administrators shall send a summons at the same time the Jury Qualification form and notice is mailed, which shall be at least six weeks before jury service.

## **LR88-AR01-9 – CASELOAD ALLOCATION**

Pursuant to Administrative Rule 1E the Clerk of the Washington County Circuit and Superior Courts shall assign cases as follows beginning ~~January 1, 2007~~ July 1, 2011:



## Superior Court

- |  |   |
|--|---|
| <p>1. <del>All Pro Se Guardianships</del></p> <p>12. <del>All Pro Se Civil matters</del></p> <p>3. <del>All Pro Se Estates</del></p> <p>24. <del>All Pro Se Dissolutions</del></p> <p>35. <del>All Pro Se Small Claims</del></p> | <p>Unless filed in<br/>Circuit Court at the<br/>request of the<br/>Plaintiff/Petitioner</p> |
|--|---|
46. Criminal Actions INVOLVING:  
Alcohol, Drugs,  
Non-Support of Dependents,  
Fraud, Forgery, Check Deception,  
Robbery, Burglary, Residential Entry,  
Conversion, Theft, Receiving Stolen Property,  
Resisting Law Enforcement, Vehicular Offenses
57. Protective Orders filed in involving parties in an existing Superior Court Dissolution or separation case.  
a. January  
b. March  
c. May  
d. July  
e. September  
f. November
68. Attorneys may designate Court in:  
a. Civil Matters, including Small Claims  
b. Guardianships  
c. Estates  
d. Dissolutions and Separation Actions

## Circuit Court

1. All Adoptions  
2. All Mental Health Matters  
3. All Juvenile Matters  
4. All Paternity Actions  
5. All Infractions, including vehicular  
6. All Petitions for Hardship Driver's License  
7. All Guardianships and Estates
68. Criminal Actions NOT designated for filing in Superior Court under this Order.
79. All Protective Orders which are not required to be filed in Superior Court.  
a. February  
b. April  
c. June  
d. August  
e. October  
f. December
810. Attorneys may designate Court in:  
a. Civil Matters, including Small Claims  
b. Guardianship  
c. Estates  
d. Dissolutions and Separation Actions